

1 SCOTT N. SCHOOLS (SCSBN 9990)  
United States Attorney

\*E-filed 1/4/08\*

2 BRIAN J. STRETCH (CSBN 163973)  
Chief, Criminal Division

4 JEFFREY B. SCHENK (CASBN 234355)  
Assistant United States Attorney

5 150 Almaden Boulevard  
6 San Jose, California 95113  
7 Telephone: (408) 535-2695  
Facsimile: (408) 535-5066  
Email: jeffrey.b.schenk@usdoj.gov

8 Attorneys for the United States of America  
9

10 UNITED STATES DISTRICT COURT  
11 NORTHERN DISTRICT OF CALIFORNIA  
12 SAN JOSE DIVISION

14 UNITED STATES OF AMERICA, ) No. CR 07-70709 HRL

15 Plaintiff, )

16 v. )

17 DAVID LOUIS BEHAR, )  
LINDSAY ROBIN HOGUE, )  
18 TARA BERGSTRAND, and )  
JOHN ROGER LAGACE )

STIPULATION AND ~~PROPOSED~~ ORDER TO CONTINUE HEARING

20 Defendants. )

22 Defendants and the government, through their respective counsel, hereby stipulate that,  
23 subject to the court's approval, the hearing dates in the above-captioned matter, presently  
24 scheduled for Tuesday, January 8, 2008, at 9:30 a.m. (for Defendants HOGUE, BERGSTRAND,  
25 AND LAGACE) and Thursday, January 10, 2008, at 11:00 a.m. (for Defendant BEHAR), be  
26 continued to Thursday, January 24, 2008, at 9:30 a.m. The continuance has been requested in  
27 order to allow each defense counsel an opportunity to review discovery and discuss the matter  
28 with their client. Furthermore, the government anticipates providing additional discovery and

1 possibly settlement offers.

2 The parties further agree and stipulate that time should be excluded from their respective  
3 currently scheduled preliminary hearing date: January 8, 2008 (for Defendants HOGUE,  
4 BERGSTRAND, AND LAGACE) and January 10, 2008 (for Defendant BEHAR) through and  
5 including January 24, 2008, for ongoing defense preparation, pursuant to Speedy Trial Act, 18  
6 U.S.C. §3161(h)(8)(A) and (B)(iv). Accordingly, the United States and the defendant agree that  
7 granting the requested exclusion of time will serve the interest of justice and outweigh the  
8 interest of the public and defendant in a speedy trial.

9

10 DATED: December 19, 2008

SCOTT N. SCHOOLS  
United States Attorney

12 \_\_\_\_\_/s/  
13 JEFFREY B. SCHENK  
Assistant United States Attorney

16 \_\_\_\_\_/s/  
17 PETER LEEMING  
Attorney for Mr. Behar

20 \_\_\_\_\_/s/  
21 GEOFFREY BRAUN  
Attorney for Ms. Hogue

24 \_\_\_\_\_/s/  
25 LARA VINNARD  
Attorney for Ms. Bergstrand

26 //

27 //

28 //

/s/  
**JERRY FONG**  
Attorney for Mr. Lagace

## ORDER

The parties have jointly requested a continuance of the hearing set for January 8, 2008 (for Defendants HOGUE, BERGSTRAND, AND LAGACE) and January 10, 2008 (for Defendant BEHAR).

GOOD CAUSE APPEARING, IT IS HEREBY ORDERED that the hearing date presently set for January 8, 2008 (for Defendants HOGUE, BERGSTRAND, AND LAGACE) and January 10, 2008 (for Defendant BEHAR) be continued to January 24, 2008 at 9:30 a.m. as well as the period of delay from January 8, 2008 (for Defendants HOGUE, BERGSTRAND, AND LAGACE) and January 10, 2008 (for Defendant BEHAR), to and including January 24, 2008, be excluded for purposes of Speedy Trial Act computations pursuant to 18 U.S.C. §3161.

IT IS SO ORDERED.

DATED: 1/3/08

**HOWARD R. LLOYD**  
**UNITED STATES MAGISTRATE JUDGE**